

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**ZONING TEXT AMENDMENT REPORT (#FZTA-20-03)**  
**MINI-STORAGE RV STORAGE**  
**AUGUST 26, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Montana Personal Warehouse I, LLC. The proposed amendment, if approved, would change the zoning text within the Conditional Use Standards of the Flathead County Zoning Regulations to allow for internal storage of vehicles within a mini-storage building.

**B. Application Personnel**

**1. Applicant**

Montana Personal Warehouse I, LLC  
1041 Crown Park Circle  
Winter Garden, FL 34787

**2. Technical Representative**

Brian M. Joos, Esq.  
121 Wisconsin Ave  
Whitefish, MT 59937

**C. Process Overview**

Documents pertaining to the zoning text amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11<sup>th</sup> Street West in Kalispell.

**1. Land Use Advisory Committee/Council**

The amendment is not located within the jurisdiction of a Land Use Advisory Committee.

**2. Planning Board**

The Flathead County Planning Board will conduct a public hearing on the proposed zoning text amendment on September 9, 2020. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

**3. Commission**

The Flathead County Commissioners will hold a public hearing on the proposed amendment on a date to be determined. This space is reserved for a summary of the Commission's decision.

**II. CHARACTERISTICS**

**A. General Character of and Reason for Amendment**

Currently the zoning regulations do not allow for the indoor storage of propane or gasoline engines or boats or vehicles incorporating such components. Those items are allowed to be stored in mini-storage but would need to be screened and could be stored in open air structures often with one or two open sides. Internal storage of those items is prohibited because they are fire hazard or could lead to fires in mini-storage areas spreading more quickly.

The regulations also do not allow for repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components.

The application states, “This proposed amendment is a text amendment involving the addition of text to two sections, but with no changes to the language of the text already existing in those sections.”

## **B. Proposed Amendment**

The proposed amendment would amend Section 4.13.070 and 4.13.090 FCZR pertaining to the Conditional Use Standards for ‘Mini-Storage, Recreational Vehicle Storage.’ Additions to section 4.13.070 and 4.13.090 are *highlighted yellow and in italics* and would be as follows:

- 4.13.070 All storage shall be kept within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored in screened exterior areas *unless the enclosed building is engineered to accommodate such storage with a minimum of 1 hour fire separation between units using Type-X fire-rated drywall and metal panels, or similar materials.* This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
- 4.13.090 The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a mini-storage or recreational vehicle storage facility *unless the structure is engineered to accommodate such use or storage with a minimum of 1 hour fire separation between units using Type-X fire-rated drywall and metal panels, or similar materials.*

## **III. COMMENTS**

### **A. Agency Comments**

1. Agency referrals were sent to the following agencies on July 7, 2020:

- Evergreen Fire District
- Bigfork Fire District
- Creston Fire District
- Columbia Falls Rural Fire District
- Ferndale Fire District
- Whitefish Rural Fire District
- Hungry Horse Fire District
- South Kalispell Fire District
- Somers-Lakeside Fire District
- West Valley Fire District
- Smith Valley Fire District
- Olney Fire District
- Marion Fire District
- Martin City Fire District
- Big Mountain Fire District
- Coram-West Glacier Fire District

- Blankenship Fire District
  - Badrock Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Creston Fire District
    - Comment: “At the request of Flathead County Planning & Zoning Creston Fire District offers the following with regard to projects involving mini-storage facilities, including those larger facilities designed to accommodate vehicles, boats, etc.
    - “The general nature of these structures makes them a challenge to firefighters should a fire occur within the building. Fire spread from one unit to the next is often the reality, frequently resulting in an entire storage building being fire involved. With the general design and known/unknown hazardous materials stored within the facility, firefighter safety is also a major concern.
    - “To help address the above concerns certain safety aspects need to be addressed. It is vital that the contents of each unit be known and controlled, something that should be the responsibility of the facility owner/operator and made known to the fire department. The storage facility needs to be designed to include at least a one hour fire wall between units—this means all openings from one unit to the next must be fire sealed as well.
    - “In addition to the buildings incorporating fire resistant construction and design it is extremely important that each “project” include a water supply for fire suppression on the property. Size of such water supply to be determined by the AHJ, however certain minimums need to be adhered to. In some cases this may be a minimum fire flow from a hydrant system and in those areas where no water system is present a water holding tank with water holding capacity of 30,000 gallons designed with a keep full supply from a well and a minimum of a 500 gpm pump with two 2.5” valved discharges—tank to be designed to include a draft site (pipe) to be used should a power failure occur prior to, or during a fire.” Letter dated August 13, 2020
  - Coram/West Glacier Fire District
    - Comment: “Indoor storage of any vehicles or boats that may have fuel should be required to have a 2 hour fire rating for separation and a fire alarm system. If the building is large and due to the number of vehicles inside, fire suppression system should be installed.” Email received July 15, 2020.

## **B. Public Comments**

1. Legal notice of the Planning Board public hearing on this application was published in the August 23, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning text amendment will be physically posted within the county zoning districts according to statutory requirements found in Section 76-2-205 [M.C.A.]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on

the general character of the proposed zoning text amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning amendment may do so at the Planning Board public hearing scheduled for September 9, 2020 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

**IV. EVALUATION OF PROPOSED AMENDMENT**

Text amendments to the Flathead County Zoning Regulations are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

**A. Whether the proposed text amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

The proposed zoning text amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). The following are the goals and policies of the Flathead County Growth Policy that pertain to the proposed text amendment:

- ❖ **G.10** - *Restrict development on lands that pose an unreasonable risk to the public health, safety and general welfare of all Flathead County residents.*
  - The proposed text amendment would serve to reduce zoning violations in mini-storages across the County where internal boat, car, and RV storage already occurs, but it will require safety precautions be put in place in these mini-storage units to prevent entire mini-storage facilities from catching fire, and potential damaging neighboring property. If the fire is contained to one unit or spreads slower to other units it is less likely to cause wildfires in the Wildland Urban Interface in drier months of the year.
- ❖ **G.21** – *A healthy and vibrant Flathead County economy that provides diversity and living-wage job opportunities and is comprised of sustainable economic activities and private sector employment.*
  - **P.21.3** – *Foster business development as a method to provide employment and locally produced goods and services to meet the needs and demands of local communities and to provide region specific export goods.*
    - The proposed text amendments would provide services to meet the needs of the local communities because there is a demand for mini-storage in the County and that demand includes storage of RVs, boats, cars, etc, indoors protected from the elements.
- ❖ **G.32** – *Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*
  - The proposed amendment would allow more time for fire departments to respond to mini-storage fires and have a better chance of containing the fire

before additional units or neighboring properties catch on fire. Further discussion on safety from fire and other danger is addressed below.

**Finding #1:** The proposed text amendments appear to be supported by the relevant goals and policies of the Flathead County Growth Policy because the amendment would allow mini-storage to meet the needs of the community and help to slow the spread of fires within mini-storage facilities.

**B. Whether the proposed text amendment is designed to:**

**1. Secure safety from fire and other dangers;**

The applicant states, “The proposed amendment expressly addresses fire and safety by requiring that facilities permitting indoor boat and vehicle storage in the affected zones be appropriately engineered, [...]”

Two fire districts responded to the agency referrals. Both of the fire districts that commented had concerns that the text amendment would not do enough and should supply water suppression or two hour fire rated walls. Coram West Glacier Fire District responded by saying they would like to see two hour fire separation.

The Creston Fire Department comment states, “The general nature of these structures makes them a challenge to firefighters should a fire occur within the building. Fire spread from one unit to the next is often the reality, frequently resulting in an entire storage building being fire involved. With the general design and known/unknown hazardous materials stored within the facility, firefighter safety is also a major concern.

“To help address the above concerns certain safety aspects need to be addressed. It is vital that the contents of each unit be known and controlled, something that should be the responsibility of the facility owner/operator and made known to the fire department. The storage facility needs to be designed to include at least a one hour fire wall between units—this means all openings from one unit to the next must be fire sealed as well.

“In addition to the buildings incorporating fire resistant construction and design it is extremely important that each “project” include a water supply for fire suppression on the property. Size of such water supply to be determined by the AHJ, however certain minimums need to be adhered to. In some cases this may be a minimum fire flow from a hydrant system and in those areas where no water system is present a water holding tank with water holding capacity of 30,000 gallons designed with a keep full supply from a well and a minimum of a 500 gpm pump with two 2.5” valved discharges—tank to be designed to include a draft site (pipe) to be used should a power failure occur prior to, or during a fire.”

**Finding #2:** The proposed amendment would likely not be enough to secure safety from fire and other dangers within mini-storage because comments from the fire districts stated they would like for owners to provide water supply for fire suppression on the property and two hour fire separation.

**2. Promote public health, public safety, and general welfare;**

As previously stated, two fire districts responded to the agency referrals. Both of the fire districts that commented had concerns that the text amendment would not do enough and should supply water suppression or two hour fire rated walls.

The application states, “[...] it would allow appropriately engineered facilities which allow indoor vehicle storage to be located in areas that are more equipped to deal with them [public health, public safety and the general welfare].”

The Creston Fire Department comment states, “The general nature of these structures makes them a challenge to firefighters should a fire occur within the building. Fire spread from one unit to the next is often the reality, frequently resulting in an entire storage building being fire involved. With the general design and known/unknown hazardous materials stored within the facility, firefighter safety is also a major concern.”

**Finding #3:** The proposed zoning amendment could have a negative impact on public health, safety and general welfare because comments from the fire districts stated they would like for owners to provide water supply for fire suppression on the property and two hour fire separation.

**3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

This proposed amendment amend the mini-storage and RV storage Conditional Use Standards is not likely to impact the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The mini-storage and RV storage use does not impact schools or park area.

Mini-storage and RV storage generate traffic and some utilize water and sewer for a manager’s office or caretaker’s facility. If fire suppression is required as suggested by the Coram/West Glacier Fire Department there could be an increase in water usage in the event of a fire. The proposal will not result in an increased need for sewer. The traffic generated by mini-storage and RV storage is not likely to increase or decrease with the proposed text amendment as the use already allows for outdoor storage of vehicles, propane tanks and gas engines.

**Finding #4:** The proposed zoning amendment would facilitate the adequate provision of transportation, water, sewerage, schools and parks because the proposal would not increase traffic in mini-storages and RV storages, the mini-storage and RV storage use does not impact parks and schools, and the impact on water and sewer would be minimal.

**C. In evaluating the proposed text amendment, consideration shall be given to:**

**1. The reasonable provision of adequate light and air;**

The mini-storage use is currently allowed use within many zoning classification with the issuance of a conditional use permit. The reasonable provision of adequate light and air typically is achieved through bulk and dimensional requirements included in the underlying zoning districts. This proposed amendment would not alter any bulk and dimensional requirements. Therefore this proposed amendment is not likely to have an impact on the adequate provision of light and air.

**Finding #5:** The proposed text amendment will reasonably provide for adequate light and air because all new development will be required to meet the bulk and dimensional requirements, including structure setbacks and maximum height requirements of the applicable zoning classification.

**2. The effect on motorized and non-motorized transportation systems;**

There will be no impact on motorized and non-motorized transportation from mini-storage and RV storage with the proposed text amendment as the use already allows for outdoor storage of vehicles, propane tanks and gas engines.

**Finding #6:** Effects on motorized and non-motorized transportation systems will be minimal because the mini-storage and RV storage use already allows for storage of vehicles, propane tanks and gas engines so additional traffic would not result from the proposed amendment.

**3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

Because of the nature of the proposed amendments, the zoning regulations, if approved, will continue to be compatible with urban growth including those areas in close proximity to municipalities. The location of future mini-storage and RV storage is not tied to the property's proximity to any particular city or town. Instead, the proposed amendment will continue to require provisions for adequate transportation networks, water and waste water systems. This infrastructure can be provided regardless of proximity to one of the cities in the County.

**Finding #7:** The proposed zoning text amendment would not impact compatibility with current urban growth in the vicinity of cities and towns because the location of mini-storage and RV storage is not dependent on its proximity to cities and towns of the County.

**4. The character of the district(s) and its peculiar suitability for particular uses;**

This amendment would allow for indoor storage of vehicles and propane or gasoline engines and will not have a negative impact on the character of any zoning district because the current conditional use standards require landscaping and screening adjacent to residential zone. Storing the vehicle in a building would screen them from not just residential zoned areas, but commercial and industrial areas as well.

**5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

This amendment would allow for indoor storage of vehicles and propane or gasoline engines and will not have a negative impact on the value of buildings and would likely encouraging the most appropriate use of land throughout the jurisdictional area because the current conditional use standards require landscaping and screening adjacent to residential zone. Storing the vehicle in a building would screen them from not just residential zoned areas, but commercial and industrial areas as well.

**Finding #8:** This zoning text amendment appears suitable for all zoning districts and to conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area because storing the vehicle in a building would screen them from not just residential zoned areas, but commercial and industrial areas also.

**D. Whether the proposed text amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

The two of the three incorporated cities in Flathead County do not have the same requirements for mini-storage currently as the county. The cities of Whitefish and

Columbia Falls zoning regulations do not provide standards for mini-storage. Kalispell does not allow for internal storage of fossil fuel engines or storage tanks or any boat or vehicle storage or repair, construction and reconstructions within mini-storage units.

**Finding #9:** The proposed text amendment will have minimal impact on the compatibility of zoning ordinances of nearby municipalities because two of the three cities do not appear to regulate internal storage of engines or storage tanks or any boat or vehicle storage or repair, construction and reconstructions within mini-storage units.

## **V. SUMMARY OF FINDINGS**

1. The proposed text amendments appear to be supported by the relevant goals and policies of the Flathead County Growth Policy because the amendment would allow mini-storage to meet the needs of the community and help to slow the spread of fires within mini-storage facilities.
2. The proposed amendment would likely not be enough to secure safety from fire and other dangers within mini-storage because comments from the fire districts stated they would like for owners to provide water supply for fire suppression on the property and two hour fire separation.
3. The proposed zoning amendment could have a negative impact on public health, safety and general welfare because comments from the fire districts stated they would like for owners to provide water supply for fire suppression on the property and two hour fire separation.
4. The proposed zoning text amendment would facilitate the adequate provision of transportation, water, sewerage, schools and parks because the proposal would not increase traffic in mini-storages and RV storages, the mini-storage and RV storage use does not impact parks and schools, and the impact on water and sewer would be minimal..
5. The proposed text amendment will reasonably provide for adequate light and air because all new development will be required to meet the bulk and dimensional requirements, including structure setbacks and maximum height requirements of the applicable zoning classification.
6. Effects on motorized and non-motorized transportation systems will be minimal because the mini-storage and RV storage use already allows for storage of vehicles, propane tanks and gas engines so additional traffic would not result from the proposed amendment.
7. The proposed zoning text amendment would not impact compatibility with current urban growth in the vicinity of cities and towns because the location of mini-storage and RV storage is not dependent on its proximity to cities and towns of the County.
8. This zoning text amendment appears suitable for all zoning districts and to conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area because storing the vehicle in a building would screen them from not just residential zoned areas, but commercial and industrial areas also.
9. The proposed text amendment will have minimal impact on the compatibility of zoning ordinances of nearby municipalities because two of the three cities do not appear to regulate internal storage of engines or storage tanks or any boat or vehicle storage or repair, construction and reconstructions within mini-storage units.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to comply with most of the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM